

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALPHONSE MCINTOSH,

Plaintiff,

v.

**USAA CASUALTY INSURANCE
COMPANY,**

Defendant.

Case No. 2:23-cv-02958-JDW

ORDER

AND NOW, this 6th day of October, 2023, upon consideration of Defendant USAA Casualty Insurance Company's Motion to Dismiss Count II of Plaintiff's Amended Complaint (ECF No. 10), and for the reasons set forth in the accompanying Memorandum, it is **ORDERED** that the Motion is **GRANTED**.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.